APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/448,253	11/24/1999	ALAN EDWARD BELL	AM9-99-0122	4831

7590   03/01/2002

JOHN L ROGITZ
ROGITZ & ASSOICATES
750 B STREET
SUITE 3120
SAN DIEGO, CA   92101

EXAMINER
SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 03/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐   Responsive to communication(s) filed on _____ .

2a)☐   This action is **FINAL**.   2b)☒   This action is non-final.

3)☐   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒   Claim(s) *1-20* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐   Claim(s) _____ is/are allowed.

6)☒   Claim(s) *1-20* is/are rejected.

7)☐   Claim(s) _____ is/are objected to.

8)☐   Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-20 have been examined.

Drawings

2.   The Draftsperson has objected to the drawings; see the copy of Form PTO-948

for an explanation.

Specification

3.   The specification has not been checked to the extent necessary to determine the

presence of all possible minor errors. Applicant's cooperation is requested in correcting

any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Downs et al (US 6,226,618B1) in view of Kochner et al (US 6,289,455B1).

6.   Downs discloses a computer-based system for inhibiting unauthorized recording

of digitized music, comprising:

a cryptography module including logic executable by a provider computer, the logic

including, for at least a segment of the music, obtaining an authorized digital signature,

and then associating the authorized digital signature with the music (Col. 34 ln 32-38);

and

a consumer module associated with a consumer music player and executable thereby

to undertake logic including processing at least the segment of the music to obtain

a test digital signature, and, only if the test digital signature matches the authorized

digital signature, permitting at least one of:

compression of the music, and recording the music, on the consumer music player

wherein the cryptography module derives 2 authorized digital signatures for respective

plural segments of the music, and associates the authorized digital signatures with the

music (Col. 83, ln 48-55).

wherein the consumer module determines test digital signatures for respective plural

segments of the music, the consumer module preventing at least one of compression of

the music, and recording of the music, unless a predetermined relationship exists

between test digital signatures and the   authorized digital signatures (Col. 85 ln 54 Col.

86 ln 4);

wherein the music is stored in a data stream on a disk, and the authorized digital

signature is associated with the music by storing   the authorized digital signature

on the disk, apart from the stream (Col. 85 ln 54 Col. 86 ln 4); and

wherein the music is stored in a data stream on a disk, and the authorized digital

signature is associated with the music by storing   the authorized digital signature

on the disk as part of the stream (Col. 85 ln 54 Col. 86 ln 4).

Downs does not, however, teach a system as described above wherein the authorized digital signature is tagged with a signature date, and the consumer module processes the music using a current key or an expired key having a key date equal to or later than the signature date (Kocher col. 10 ln 36-48). Kocher, however, does, as noted above. It would be obvious to a practitioner of ordinary skill in the art to combine the teachings of Downs and Kocher for greater efficiency and security in the prevention of piracy of musical recordings.

7.   Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downs et al (US 6,226,618B1) in view of Kochner et al (US 6,289,455B1).

8.   Downs discloses a computer program storage device including a program of instructions for determining whether a request to compress and record digitized music should be honored, the program of instructions including:

computer readable code means for processing at least one segment of the music to obtain a test digital signature (Col. 3 ln 40-55);

computer readable code means for receiving an authorized digital signature associated with the music (Col. 3 ln 40-55); and

computer readable code means for permitting compression and recording of the music only if at least the test digital signature matches the authorized digital signature (Col. 3 ln 40-55).

9.   Downs does not however, disclose the device of Claim 7, above, further comprising computer readable code means for determining test digital signatures for respective

plural segments of the music (Kocher col. 10 ln 36-48); and

computer readable code means for preventing at least one of compression of the music,

and recording of the music, unless a predetermined number or percentage of matches

exist between test digital signatures and authorized digital signatures (Kocher col. 10 ln

36-48). Kocher, however, does, as noted above. It would be obvious to a practitioner

of ordinary skill in the art to combine the teachings of Downs and Kocher for greater

efficiency and security in the prevention of piracy of musical recordings.

10.   Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Downs et al (US 6,226,618B1) in view of Kochner et al (US 6,289,455B1).

11.   Downs discloses a computer program storage device including a program of

instructions for associating digitized music with at least digital signature derived from at

least a segment of the music, the program of instructions including structure comprising

computer readable code means for deriving an authorized digital signature from at least

the segment of the music (Col. 3 ln 40-55);

computer readable code means for storing the music on a recording medium (Col. 3 ln

40-55); and

computer readable code means for storing the authorized digital signature on the

recording medium along with the music (Col. 3 ln 40-55).

computer readable code means for associating the authorized digital signatures with the

music (Col. 3 ln 40-55).

12.   Downs does not however, disclose the device of Claim 9, above further

comprising computer readable code means for deriving authorized digital signatures for

respective plural segments of the music (Kocher col. 10 ln 36-48);

computer readable code means for associating the authorized digital signatures with the

music (Kocher col. 10 ln 36-48);

computer readable code means for storing the music on a location of the recording

medium apart from the stream (Kocher col. 10 ln 36-48);

computer readable code means for storing the music on a location of the recording

medium as part of the stream (Kocher col. 10 ln 36-48). Kocher, however, does, as

noted above. It would be obvious to a practitioner of ordinary skill in the art to combine

the teachings of Downs and Kocher for greater efficiency and security in the prevention

of piracy of musical recordings.

13.   Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Downs et al (US 6,226,618B1) in view of Kochner et al (US 6,289,455B1).

Downs discloses a method for facilitating the compression and storage, on a personal

music player, of digitized music received on a disk in an authorized transaction,

comprising the acts of recording the music on the disk along with at least one

authorized digital signature derived from the music (Col. 3 ln 40-55);

receiving the disk (Col. 3 ln 40-55);

engaging the disk with a personal music player compression device (Col. 83, ln 48-55).

compressing the music and recording the music on a personal music player only if the

test digital signature matches the authorized digital signature (Col. 83, ln 48-55).

14.   Downs does not however, disclose the device of Claim 13, above, further

comprising computer readable code means for determining test digital signatures for

respective plural segments of the music (Kocher col. 10 ln 36-48); and

computer readable code means for preventing at least one of compression of the music,

and recording of the music, unless a predetermined number or percentage of matches

exist between test digital signatures and authorized digital signatures (Kocher col. 10 ln

36-48). Kocher, however, does, as noted above. It would be obvious to a practitioner

of ordinary skill in the art to combine the teachings of Downs and Kocher for greater

efficiency and security in the prevention of piracy of musical recordings.

Conclusion

15.   The prior art made of record and not relied upon is considered pertinent to
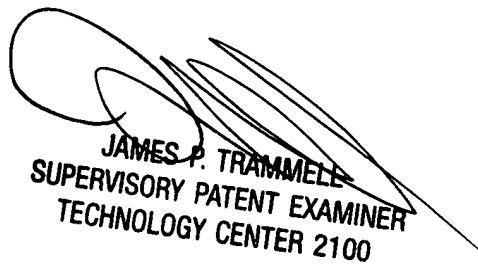
applicant's disclosure.

16.   Eller et al (US 5,889,860A) discloses an encryption system with transaction

coded decryption key.

17.   Any inquiry concerning this communication from the Examiner should be directed

to Cristina Owen Sherr, whose telephone number is (703) 305-0625. The Examiner can

normally be reached on Mondays through Fridays from 8:30 AM - 5:00 PM.

18.   If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, James Trammell, can be reached at (703) 305-9768. The FAX phone

number for this group is (703) 746-7239.

19.   Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the group receptionist, whose telephone number is

(703) 305-3900.

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100